IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

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WRIT PETITION NO : 10901 of 1996

Between:

Bhurubanda Mallikarjuna Rao S/o Venkateshwara Rao
Sathenapalli, Guntur Dist

..... PETITIONER

AND

1 The Deputy Inspector General of Stamps and Registration, Guntur.
2 District Registrar for Stamps and Registration, Narasaraopet, Guntur District,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ in the nature of Certiorari or any other appropriate writ, order or direction by calling for the records relating to the proceedings of the 2nd respondent bearing No. D.W/1734-2/95, dt. 23/05/1996 and set -aside the same with all consequential benefits.

Counsel for the Petitioner : MR.S.GOPAL RAO

Counsel for the Respondents : GP FOR REVENUE

The Court made the following :

ORDER :

The petitioner is the holder of a licence for Document Writer. This Writ Petition is filed, questioning the order passed by the 2nd respondent dated 23.5.1996, cancelling the said licence by referring to certain remarks made by the Anti Corruption Bureau on the allegation that he is acting as a mediator.

Petitioner was earlier issued a charge memo dated 01.11.1995. After submission of explanation by the petitioner on 22.11.1995, the 2nd respondent-District Registrar, Narsaraopet has passed orders, suspending petitioner's licence for a period of one month and further imposing a penalty of Rs.500/-. It is stated that the penalty amount was paid and during the suspension period of one month, the petitioner could not do the business under his licence.

The petitioner contends that without giving him any further opportunity, the impugned order is passed, cancelling the very licence by referring to the very same allegations. In the affidavit filed in support of the Writ Petition, it is categorically stated that the impugned order is in violation of Rule 214(b) of the Andhra Pradesh Rules Under the Registration Act, 1908 (for short 'the Act'). It is the case of the petitioner that even taking the allegations as it is, it is not in violation of Rule 214(b) of the Act, as the same will not fall under any of the grounds indicated under Rule 214(b) of the Act, warranting cancellation of licence of a person. It is further submitted that before passing of this order, no

opportunity was given to the petitioner and therefore, the same is in violation of the principles of natural justice.

A counter affidavit is being filed on behalf of the respondents, stating that the impugned order is passed after giving an opportunity to the petitioner by way of a charge memo dated 01.11.1995. However, there is no specific denial of not issuing any notice before passing the impugned order of cancellation of petitioner's licence.

With reference to the charge memo dated 01.11.1995, after receiving the explanation from the petitioner, when a final order was passed imposing suspension of his licence for a period of one month and also imposing a penalty of Rs.500/-, no further order can be passed without giving any opportunity to the petitioner. In that view of the matter, even if any order is passed cancelling the petitioner's licence, it is obligatory on the part of the respondents to give an opportunity to the petitioner by way of a show-cause notice. From the averments of the counter affidavit, it is very clear that the impugned order dated 23.5.1996 was not preceded with any notice and no enquiry was conducted before passing this order of cancellation of petitioner's licence.

Therefore, the Writ Petition is allowed as prayed for. No order as to costs.

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R.SUBHASH REDDY, J

07th February 2005.

ajr

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice, on this Monday, the Seventh Day of February, Two Thousand and Five.

To

1 The Deputy Inspector General of Stamps and Registration, Guntur.
2 The District Registrar for Stamps and Registration, Narasaraopet, Guntur

District.

3 Two C.Cs. to the GP for Revenue, High Court of A.P., Hyderabad (OUT).

4 Two C.D. copies.